

Proceedings of the City Council Meeting of the city of Bay St. Louis, State of Mississippi, taken at a meeting held February 5, 2013 in the City Council Chambers at the Bay St. Louis Conference Center on Main Street. The meeting began at 5:30 p.m.

ATTENDANCE:

COUNCIL: Joey Boudin, President (Ward 5), Bill Taylor (Council Member-at-Large) Doug Seal, (Ward 1), Wendy McDonald, (Ward 2), Jeffrey Reed, (Ward 3), and Bobby Compretta, President (Ward 4)

COUNCIL STAFF: Jane Carrow, Clerk of Council

ADMINISTRATIVE STAFF: Les Fillingame, Mayor and Donald Rafferty, City Attorney

ABSENT: Ray Kidd (Ward 6)

Council Member Boudin called the meeting of February 5, 2013 to order.

Council Member Reed delivered the invocation and Council Member Boudin led the Pledge of Allegiance.

GUESTS

Jason Chiniche, Brown Mitchell, and Alexander, gave the Council an update on the sidewalk and lighting project on Old Spanish Trail. Council Member Seal asked what the budget is on the project. Mr. Chiniche said the construction budget for the sidewalk and lighting is \$808,000. Council Member Seal asked what the estimated cost for the sidewalk is. Mr. Chiniche said the sidewalk estimate from Main Street to the City limit is \$915,607. He said MDOT requires the sidewalk has to be lit so the project must be scaled back to around Seube Street.

Council Member Taylor asked if it would save any money to remove the “Bay St. Louis” nameplate from the electrical poles. Mr. Chiniche said taking off the name would save approximately \$1,000 a pole and, under some of the lighting plans, that would save \$65,000.

There was a discussion regarding the advantages of LED lighting over halide lighting. He said using metal halide 20’ poles, it would cost approximately \$1.2 million to have the lights and sidewalks.

Council Member McDonald asked about using Mississippi Power poles and just adding the sidewalks. Mr. Chiniche said that could be an option.

Council Member Taylor asked how far Mr. Chiniche could get using the \$808,000 available with sidewalks and street lights. Mr. Chiniche said the project could go from Main Street to possibly St. Charles Street.

Mr. Chiniche said he could add Option 6 which would be sidewalks to the City limits using the existing lights and adding new lights where necessary. The consensus of the Council is to use lights under Option 4B which is Full Cut-Off Optics, LED 14’ poles. Mr. Chiniche said he will come back to the next meeting and report to the Council on the new option.

Josh Hayes, Building Inspector for Bay St. Louis, asked the Council to authorize going forward with the Hazard Mitigation Grant Program which is an elevation grant for homes damaged by Hurricane Isaac. The City has identified five residential properties that meet the prerequisites for this program. There is a total of \$350,000 available with 75% paid by the grant and 25% by the homeowner. ICC funds can be used for the homeowner’s 25% also.

Motion to Authorize the City to Proceed with the Hazard Mitigation Grant Program

Council Member Seal moved, seconded by Council Member McDonald, to authorize the City to go forward with the Hazard Mitigation Grant Program for five residential properties at an estimated cost of \$350,000 with 75% being funded through the Hazard Mitigation Grant Program and 25% being provided by the owners through ICC or as a direct contribution to the City.

A vote was called for with the following response:

VOTING YEA: Boudin, Compretta, McDonald, Reed, Seal, and Taylor

VOTING NAY: None ABSENT: Kidd

Motion to Approve the Designation of AMEC-Patrick Moore

Council Member Seal moved, seconded by Council Member Compretta, to approve the designation of AMEC-Patrick Moore for the Hazard Mitigation Grant Program in the amount of \$0 for the project manager for the Hazard Mitigation Grant other than what is paid by the government and funds will not be deducted from the \$350,000.

A vote was called for with the following response:

VOTING YEA: Boudin, Compretta, Reed, Seal, and Taylor

VOTING NAY: McDonald ABSENT: Kidd

2012 International Building Codes

The Council set a workshop to discuss the 2012 International Building Codes at 4:00 p.m. on Tuesday, February 19, 2013.

PUBLIC FORUM

Amby Daigre said cleanup work needs to be done on Blue Meadow Road. He said sidewalks are needed on Blue Meadow Road as well. It is dangerous for motorists and students walking to school.

PLANNING & ZONING RECOMMENDATIONS

a) **HENRY BUSBY - application for a Special Exception to the Zoning Ordinance. The applicant is asking for a Special Exception to the Zoning Ordinance to construct an 8'x12' accessory building without a primary dwelling on the property. This building will be constructed to the rear of the property and used as a storage building for a boat. The building will meet the required side and rear yard setbacks for an accessory building. The property is located at 11272 Jordan River Dr., parcel #135Q-0-47-020.000, described as Lot 36, Block 5, Jordan River Estate, 1st Addition, Bay St. Louis, Hancock County, Mississippi. This property is zoned R-1 Single Family District. P&Z recommended denial 5-1 (Knoblock).**

Council Member Boudin asked if there was any opposition to this application. No one came forward.

Motion to Deny the Application

Council Member Compretta moved, seconded by Council Member Seal, follow the recommendation of the P&Z and deny the application.

A vote was called for with the following response:

VOTING YEA: Boudin, Compretta, McDonald, Reed, Seal, and Taylor

VOTING NAY: None ABSENT: Kidd

b) **PAUL ADAMS– application for a Special Subdivision Plat Approval and a Variance to the Zoning Ordinance. The applicant's intention is to subdivide a parcel of land into two (2) new parcels. Parcel A the applicant is asking for a 55.57' variance to the front footage. Parcel A will meet the required 12,000 square footage. Parcel B the applicant is asking for a 59.21' variance to the front footage as well as a 4,000 sq. ft. variance to the square footage. Parcel #136N-2-42-065.000, described as Part J.B. Lardasse Claim (Part #29), Bay St. Louis, Hancock County, Mississippi, The property is located at 2020 Wilkinson Lane. The property is in an R-1, Single-Family District. The Owner is aware the breezeway that currently connects the two dwellings on the property will have to be removed. P&Z recommended approval 5-1 (Daricek).**

Council Member Boudin asked if there was any opposition to this application. No one came forward.

Motion to Approve the Application

Council Member Compretta moved, seconded by Council Member Reed, to follow the recommendation of the P&Z and approve the application.

A vote was called for with the following response:

VOTING YEA: Boudin, Compretta, McDonald, Reed, Seal, and Taylor

VOTING NAY: None ABSENT: Kidd

c) ELMWOOD MANOR, LLC - application for a Special Exception to the Zoning Ordinance. A subdivision plat plan was approved in 2008 showing a placement of a pool on a 50' front lot width known as the "Common Area". The applicant is asking for a special exception to build a 1,950 sq. ft. accessory structure which will be used for storage, in place of the pool on the area known as the "Common Area". The property is located at 97 Boardman Ave., parcel #144P-0-19-028.000 is described as Lot 3B,4B,5, 30, 31, & 32A, Block 2, Leonard Subdivision, parcel 3144P-0-19-029-000 is described as Part 2 & 33, Block 2, Leonard Subdivision, parcel #144P-0-19-030.000 is described as Block 2, 2 & 33, Leonard Subdivision, parcel #144P-0-19-030.001 is described as Part 33, Block 2, Leonard Subdivision, parcel 144P-0-19-030.002 is described as Part 3, 4, 32 & 33, Block 2, Leonard Subdivision, Bay St. Louis, Hancock County, Mississippi,. This property is zoned R-1, Single-Family District. P&Z recommended approval 6-0.

Council Member Reed left the room.

Jim McPhail, 1451 Exposition Blvd., New Orleans, who is the developer of Elmwood Manor, was present to answer any questions. Council Member Seal asked Mr. Hayes is the proposed storage building meets the Flood Plain Ordinance. Mr. Hayes said yes, it meets all the standards.

Motion to Approve the Application

Council Member Seal moved, seconded by Council Member Taylor, to approve the 1,950 square foot storage building, as long as it complies with the Flood Plain Ordinance.

A vote was called for with the following response:

VOTING YEA: Boudin, Compretta, McDonald, Seal, and Taylor

VOTING NAY: None ABSENT: Kidd and Reed

d) ELMWOOD MANOR, LLC - application for a Variance to the Zoning Ordinance. The applicant is asking for a 1' height variance to the fence ordinance for a 5' wrought iron fence to the front line of the property where a 4' fence is required. The applicant is also asking for a total variance for the corner lot setback of 20' from the intersection of the property line for a 5' wrought iron/ picket fence at the intersections of North Beach Blvd. The property is located South of Boardman Ave, East by North Beach Blvd., North by Leonard Ave. known as Elmwood Manor LLC, parcel #144P-0-19-028.000 is described as Lot 3B,4B,5, 30, 31, & 32A, Block 2, Leonard Subdivision, parcel 3144P-0-19-029-000 is described as Part 2 & 33, Block 2, Leonard Subdivision, parcel #144P-0-19-030.000 is described as Block 2, 2 & 33, Leonard Subdivision, parcel #144P-0-19-030.001 is described as Part 33, Block 2, Leonard Subdivision, parcel 144P-0-19-030.002 is described as Part 3, 4, 32 & 33, Block 2, Leonard Subdivision, Bay St. Louis, Hancock County, Mississippi,. This property is zoned R-1, Single-Family District. P&Z recommended approval 5-1 (Danzey).

Council Member Boudin asked is anyone present had any opposition to this application. No one came forward.

Council Member Seal said the fence, which is already constructed, will not block the line of sight on the corners. He advised Mr. McPhail to know the rules before he begins his next project.

Council Member McDonald said she appreciates the effort that Mr. McPhail has put in on this property. She said it is a great improvement over what was there before. Council Member McDonald said the fence should have been 4', not 5'. Everyone else has abided by the 4' fence and this property got a 5' fence and has asked for forgiveness afterwards. Mr. McPhail said it was not his intention to break the rules. He hired a local company to do the fence and they ordered the wrong size fence. He assured the Council he will do landscaping by the fence to minimize the effect.

Council Member Taylor asked if the fence was already built before this application was submitted. Mr. McPhail said yes.

Motion to Approve the Application

Council Member Seal moved, seconded by Council Member Compretta, to follow the recommendation of the P&Z and approve the application for a variance to the 5' wrought iron fence on the front of the property within 20' of an intersection and to allow a 5' picket fence where a 4' fence is allowed.

A vote was called for with the following response:

VOTING YEA: Boudin, Compretta, and Seal

VOTING NAY: McDonald and Taylor ABSENT: Kidd and Reed

Council Member Reed returned to the room.

e. LEX MAUFFRAY - application for a Variance to the Zoning Ordinance. The owner's intention is to construct a double carport to the side of his residence. The owner is asking for a 7' variance to the side yard, for a 1' setback to the side yard. The owner is also asking for a 4' variance to the front yard, for a 21' setback to the front yard. The property is located at 210 Union St., parcel #149L-0-29-174.000, described as 2nd Ward, Lot 271, Bay St. Louis, Hancock County, Mississippi. This property is zoned R-3 Multi-Family District. P&Z recommended approval 6-0.

Council Member Boudin asked if there was any opposition to this application. No one came forward.

Motion to Approve the Application

Council Member Compretta moved, seconded by Council Member Taylor, approve the application as recommended by the Planning & Zoning Commission.

A vote was called for with the following response:

VOTING YEA: Boudin, Compretta, McDonald, Reed, Seal, and Taylor

VOTING NAY: None ABSENT: Kidd

NEW BUSINESS

Clean Up After Nereids Parade

Council Member McDonald read a letter from a citizen commending the City on its cleanup efforts after the Nereids Parade. The letter is attached to the minutes as **"Exhibit A"**.

OLD BUSINESS

Keller Street Abandonments

Mr. Rafferty said there is nothing new on the status of the Keller Street abandonments. He gave the Council print outs of a Court of Appeals case, Hopkins vs. Mendenhall, which addresses closing of streets. He said the City's Ordinance is in conflict with this ruling. He has requested the Attorney General's input to see if the City's ordinance should be revised.

Motion to Subscribe to Govt. 2.0

Council Member McDonald moved, seconded by Council Member Seal, to subscribe to Dreambox Creations for Govt. 2.0 for one year at a cost of \$999.00.

A vote was called for with the following response:

VOTING YEA: Boudin, Compretta, McDonald, Reed, Seal, and Taylor

VOTING NAY: None ABSENT: Kidd

Motion to Approve Deputy Clerk List and Judge Pro-temp List

Council Member Taylor moved, seconded by Council Member Compretta, to approve the Deputy Clerk list and Judge Pro-temp list provided by the Clerk Department.

A vote was called for with the following response:

VOTING YEA: Boudin, Compretta, McDonald, Reed, Seal, and Taylor

VOTING NAY: None ABSENT: Kidd

MAYOR'S REPORT

Motion to Approve Consent Agenda

Council Member Seal moved, seconded by Council Member Reed, to approve the consent agenda, consisting of:

1. Approve Street Closures for Holy Trinity School
Mardi Gras Parade Feb. 8, 2013 9:30am to 11:30am
Second St. to Union St.
Union to Beach Blvd. to Court St.
2. Approve Street Closures for Holy Trinity School
Health Walk March 1, 2013 8:00am to 11:30am
Second St. to Union St.
Union to St. Stanislaus Field
3. Approve Street Closures for American Cancer
Society Relay for life April 13, 2013 10am – 10pm
Blaize Ave at Bookter to Duck Pond
4. Approve Street Closures for Stella's Blues
and BBQ Festival April 6, 2013
11am-9pm Blaize Ave at the 5 corners,
Bookter St at Blaize Ave., Bookter Street at the
Cut through near rail road tracks, Blaize Ave. at the
cut through near Keller St.
1:30pm - 3:30pm additional Barricades at Blaize Ave at the
Cut through near Keller St. and Blaize Ave at Sycamore St.
5. Approve Street Closures for Mardi Pardi Race
5K to 10K, Feb 9, 2013 8:00am to 3:00pm
6. Travel
Department: Police
Employee: James Burch
Date: April 21 – April 26, 2013
Location: Meridian, MS
Reason for Travel: High Risk Warrant Planning & Execution
Sponsoring Organization: R.C.T.A.
Registration: -0-
Meals: Reimbursed by City
Transportation: City Vehicle
Lodging: \$225.00

7. Travel
Department: Police
Employee: Weston Mayley
Date: March 24 – March 29, 2013
Location: Florence, Al
Reason for Travel: Select Fire Instructor Course
Sponsoring Organization: NRA
Registration: \$525.00/\$35.00
Meals: Reimbursed by City
Transportation: City Vehicle
Lodging: \$394.65

A vote was called for with the following response:

VOTING YEA: Boudin, Compretta, McDonald, Reed, Seal and Taylor

VOTING NAY: None ABSENT: Kidd

Motion to Approve the Docket of Claims

Council Member Taylor moved, seconded by Council Member Seal, to approve the docket of claims as follows:

General Fund	\$ 78,704.88
CDBG Fund	\$1,640,430.60
Debt Service Fund	\$ 3,898.00
Utility Fund	<u>\$ 210,854.70</u>
Total	\$1,933,888.18

along with the certification by David Kolf that the funds are available and he recommends making the payments.

A vote was called for with the following response:

VOTING YEA: Boudin, Compretta, McDonald, Reed, Seal and Taylor

VOTING NAY: None ABSENT: Kidd

Motion to Approve W.A. McDonald Docket

Council Member McDonald left the room.

Council Member Seal moved, seconded by Council Member Reed, to approve the docket for W.A. McDonald in the amount of \$128.93.

A vote was called for with the following response:

VOTING YEA: Boudin, Compretta, Reed, Seal and Taylor

VOTING NAY: None ABSENT: Kidd and McDonald

Council Member McDonald returned to the room.

Payroll

Council Member Reed asked that the payroll for the period ending February 3, 2013 in the amount of \$165,977.66 be spread on the minutes.

Motion to Approve Registration for the National Hurricane Conference

Council Member Taylor moved, seconded by Council Member Seal, to approve the registration fee for eight City employees to attend the National Hurricane Conference in New Orleans from March 25-28, 2013 at a cost of \$350.00 per employee.

A vote was called for with the following response:

VOTING YEA: Boudin, Compretta, McDonald, Reed, Seal and Taylor

VOTING NAY: None ABSENT: Kidd

Motion to Appoint Ronald Lafontaine to the Election Commission

Council Member Compretta moved, seconded by Council Member McDonald, to approve the appointment of Ronald Lafontaine to the Election Commission to replace Michael Lee.

A vote was called for with the following response:

VOTING YEA: Boudin, Compretta, McDonald, Reed, Seal and Taylor

VOTING NAY: None ABSENT: Kidd

Motion to Approve the Lease of the Lagoon Site to the HCUA

Council Member McDonald moved, seconded by Council Member Reed, to approve the lease of the lagoon site to the HCUA with the condition that the city retains the utilization of 2.84 acres indicate on the lagoon map.

A vote was called for with the following response:

VOTING YEA: Boudin, Compretta, McDonald, Reed, Seal and Taylor

VOTING NAY: None ABSENT: Kidd

ATTORNEY’S REPORT

No action was taken.

ADJOURN

Council Member Taylor moved, seconded by Council Member Seal, to adjourn.

A vote was called for with the following response:

VOTING YEA: Boudin, Compretta, McDonald, Reed, Seal and Taylor

VOTING NAY: None ABSENT: Kidd

<hr/> Joey Boudin, President, Council Member, Ward 5	<hr/> Date
<hr/> Bill Taylor, Council Member at Large	<hr/> Date
<hr/> Doug Seal Council Member – Ward 1	<hr/> Date
<hr/> Wendy McDonald, - Ward 2	<hr/> Date
<hr/> Jeffrey Reed, Council Member – Ward 3	<hr/> Date
<hr/> Bobby Compretta, Council Member – Ward 4	<hr/> Date

Ray Kidd, Council Member - Ward 6	Date
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Jane Carrow, Clerk of Council	Date
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